REMARKS

Prior to this present amendment, claims 2-7 and 19-41 were pending. By this present amendment, applicants have cancelled claims 3, 4, 40 and 41, and amended claims 19, 20, 21, 29, 33 and 39. Accordingly, claims 2, 5-7, 19-39 are currently pending.

In the Office Action, claims 2-7 and 19-38 were rejected under 35 U.S.C. §112, second paragraph for allegedly being indefinite. The examiner states that the use of the phrase "such as..." in claims 19, 20, 21, 29 and 33 are indefinite as to the scope of the claims.

Applicants have amended claims 19, 20, 21, 29 and 33 by deleting the phrase "such as..." Accordingly, the rejection of the claims under §112 should be withdrawn.

Claims 2-6, 19, 20, 21, 26-29 and 33-40 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Stout (U.S. Patent No. 2,459,901), Taylor et al. (U.S. Patent No. 1,181,553) and Thomas et al. (U.S. Patent No. 5,830,738). The examiner contends that Stout discloses the preparation of a fibrous product and juice from processing rhubarb. The examiner alleges that Taylor et al. discloses the preparation of a fibrous product and juice from processing banana stalk. The examiner asserts that Thomas et al. discloses preparing a fibrous portion and juice from carrot.

Applicants respectfully disagree that the claimed invention is anticipated by Stout, Taylor et al. and Thomas et al. The claimed invention relates to the separation and recovery of components from plants. More in particular, the invention relates to the recoverability of desired products such as, for example, the recoverability of proteins from the cytosol. The methods of the claimed invention is directed to fiberizing vegetable material by means of a refiner to dissociate virtually completely cytosolic and parenchyma components from relatively firm tissue.

Stout relates to a process for making rhubarb juice. At column 1, lines 14-27, Stout discloses that the process involves grinding the stems and a pressing step to extract juice. Taylor et al. discloses a method of manufacturing paper pulp. At column 2, lines 78 and 79, Taylor et al. discloses that the method involves a crushing and squeezing process. Thomas et al. discloses a process for extracting pigments from plant material. At column 4, lines 54 and 55, Thomas discloses that prior to an enzyme treatment, the plant material is first shredded or milled. Thomas et al further discloses that the shredded plant material is blended with a liquid to form a suspension and that a mechanical mixer or blender can be used (see column 4, lines 60-67).

Nowhere in Stout, Taylor et al. or Thomas et al. is there any disclosure or suggestion of fiberizing vegetable material by means of a refiner to dissociate virtually completely all cytosolic and parenchyma materials from relatively firm tissues. In contrast, the claimed invention is directed to fiberizing vegetable material by means of a refiner to dissociate virtually completely all cytosolic and parenchyma materials from relatively firm tissues.

Applicants wish to point out to the examiner, that the grinding and pressing method or crushing and squeezing method disclosed in, for example, Stout and Taylor et al. is similar to the grinding and pressing example and the hammer mill and screw press example which were used as comparative examples in the instant application. As shown in Tables 4 and 5 of the instant application, the grinding and pressing method, and the hammer mill and screw press method result in low protein recoverability as compared to the methods of the claimed invention.

In view of the amendments to the claims, the claimed invention is not anticipated by the cited references. Accordingly, the rejection of the claims under §102(b) should be withdrawn.

Claims 2-7, 19, 20, 21-29, and 33-40 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Hondroulis et al. (U.S. Patent No. 5,958,182). According to the examiner, Hondroulis et al. discloses the preparation of a fibrous product and juice from processing banana stalk and grasses. The examiner further states that the fibrous product is used to make a variety

of paper products.

Applicants respectfully disagree that the claimed invention is anticipated by Hondroulis et al. Hondroulis discloses a cutting, shredding or grinding step and a pressing step (see Figure 1). Nowhere in Hondroulis et al. is there any disclosure or suggestion of fiberizing vegetable material by means of a refiner to dissociate virtually completely all cytosolic and parenchyma materials from relatively firm tissues. In contrast, the claimed invention is directed to fiberizing vegetable material by means of a refiner to dissociate virtually completely all cytosolic and parenchyma materials from relatively firm tissues.

As indicated above, the method of cutting, shredding or grinding step and a pressing step disclosed in Hondroulis et al. is similar to the grinding and pressing example and the hammer mill and screw press example which were used as comparative examples in the instant application. As shown in Tables 4 and 5 of the instant application, the grinding and pressing method, and the hammer mill and screw press method result in low protein recoverability as compared to the methods of the claimed invention.

In view of the amendment to the claims, the claimed invention is not anticipated by Hondroulis et al. Accordingly, the rejection of the claims under §102(e) should be withdrawn.

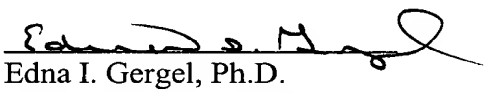
Claims 22-24 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Taylor et al. According to the examiner, Taylor et al further discloses the preparation of paper products as claimed.

Applicants respectfully disagree that claims 22-24 are anticipated by Taylor et al. Claims 22-24 are dependent on independent claim 21. Applicants have provided arguments refuting the rejection of claim 21 by Taylor et al. (see above). Therefore, claims 22-24 are patentable at least for the same reasons that claim 21 is patentable. Accordingly, the rejection of claims 22-24 under §102(b) should be withdrawn.

Claim 41 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Thomas et al. Applicants have cancelled claim 41. Therefore, the rejection is moot and should be withdrawn.

In view of the above amendments and remarks, allowance of pending claims 2, 5-7, 19-39 is earnestly requested. If the examiner has any questions regarding this amendment, the examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Edna I. Gergel, Ph.D.
Registration No. 50,819
Agent for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
Tel (516) 822-3550
Fax (516) 822-3582

EIG:jlw